

REMARKS

Claims 1, 4, 5, 8-10, 16-23, 28 and 29 are pending and were the subject of an Appeal. Claims 6 and 7 were allowed in the Office Action issued August 23, 2006 (see page 9).

On August 11, 2008 the Board of Patent Appeals and Interferences (BPAI) issued their decision. The BPAI affirmed the rejection of claims 1, 8 and 10 for lack of written description as well as claims 9, 16-23, 28 and 29, which were not argued separately. The BPAI, however, reversed the Examiner's rejections of claims 4 and 5 for lack of written description and reversed the rejection of claims 1, 4, 5, 8-10, 16-23 and 28-29 for enablement.

Applicants have not and will not request rehearing or pursue an appeal at the District Court level or at the Federal Circuit.

Applicants have amended the claims as follows to comply with the BPAI decision:

Claims 8-10 have been canceled.

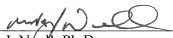
Claim 1 has been amended by deleting subsections (e) to (h). Applicants note that subsections (a) to (d) correspond to claims 4-7, which have been deemed allowable and allowed.

Applicants believe the pending application is now in condition for allowance and such favorable action on the merits is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Dated: October 9, 2008

Respectfully submitted,

By 
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